

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Gregory J. Miller, *Trustee for the Heirs and
Next-of-Kin of JUSTIN J. MILLER,*
decedent,

Case No. 21-cv-0161 (WMW/JFD)

Plaintiff,

v.

**ORDER APPROVING FINAL
SETTLEMENT AND DISTRIBUTION
OF WRONGFUL-DEATH PROCEEDS**

United States of America,

Defendant.

This wrongful-death action involves the death of Justin J. Miller (Decedent) as a result of alleged medical negligence. Before the Court is the amended petition of Plaintiff Gregory J. Miller, as Trustee for the heirs and next-of-kin of Decedent, seeking approval of the final settlement in this matter (the Petition). (Dkt. 38.)

On January 28, 2020, Hennepin County District Court, Fourth Judicial District, appointed Decedent's father, Gregory J. Miller, as trustee (the Trustee) to maintain a wrongful-death action on behalf of all next-of-kin of Decedent. The Trustee commenced this action in January 2021. The Trustee retained the law firm Meshbesh & Spence, Ltd. (Meshbesh), to represent him in connection with the claims arising from the death of Decedent. The Trustee entered into an agreement with Meshbesh to pay a contingent attorneys' fee of twenty-five percent of any recovery.

The Trustee has negotiated a settlement with Defendant United States of America. The negotiated settlement requires the United States to pay \$385,000.00 in settlement of the Trustee's claims.

The Trustee now petitions for approval of the distribution of the settlement proceeds. *See* Minn. Gen. R. Prac. 144.05; *see also* LR 17.1. The Petition includes the names, ages, and addresses of the heirs and next-of-kin of Decedent, as required by Rule 144.05.¹ *See* Minn. Gen. R. Prac. 144.05. The next-of-kin have waived the requirement of a hearing on this matter. *See id.* As there is no dispute over the distribution, the Trustee seeks approval of the Petition without a hearing.

Based on the foregoing analysis and all the files, records and proceedings herein,

IT IS HEREBY ORDERED:

1. Plaintiff Gregory J. Miller's amended petition to approve distribution of wrongful death settlement proceeds, (Dkt. 38), is **GRANTED**.

2. The settlement of this cause of action against Defendant United States of America, in the total sum of \$385,000.000, is **APPROVED**.

3. Plaintiff Gregory J. Miller is authorized to execute any and all releases, satisfactions, dismissals and other documents necessary to consummate the settlement and to distribute the settlement proceeds as follows:

a. \$96,250.00 to Meshbesh, for attorneys' fees.

¹ The Petition must list "each next of kin required to be listed in the petition for appointment of trustee." Minn. Gen. R. Prac. 144.05. Miller's petition for the appointment of a trustee listed Mary Thompson as one of Decedent's heirs and next-of-kin. Mary Thompson died on October 6, 2019, and, therefore, is not listed on the Petition.

- b. \$36,748.36 to Meshbeshher, for costs.
- c. \$103,000.82 to Gregory J. Miller, including \$5,303.61 for funeral and burial expense reimbursement.
- d. \$103,000.82 to Drinda Miller.
- e. \$46,000.00 to Alissa Harrington.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 29, 2022

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge